

via or oil thereon, and curbing; and for regrading, remaking, repaving, reconcreting, remacadamizing, with or without tarvia or oil thereon, and recurbing of any street, highway, lane or alley or part thereof, in Hagerstown without the passage of a special ordinance in the particular case, whenever the owners of a majority of the front feet of property abutting or binding on such street, highway, lane or alley, or part thereof, shall apply for the same to the Mayor and Council upon terms and under conditions, with such materials to be prescribed in said general ordinance, and for the assessment in any such case of the costs of such work and the materials used, in whole or in part *pro rata* upon all the property binding or abutting upon such street, highway or alley, or part thereof, and for the collection of such assessment as other City taxes are collected.

1916, ch. 55, sec. 3.

**444.** The Mayor and Council shall have power, and are hereby vested with said power, to provide by special or general ordinance, that before beginning the work of grading, paving, macadamizing, concreting and curbing of any street, highway, lane or alley, or part thereof, or regrading, repaving, remacadamizing, reconcreting and recurbing of any street, highway, lane or alley, or part thereof, as provided in Sections 442 and 443 of this Article, that the Board of Street Commissioners of Hagerstown shall give public notice in one or more newspapers published in said City for not less than ten days and by placards put up along said street, highway, lane or alley, setting forth that thirty days after the date of said notice the work of making and improving said street, highway, lane or alley as set forth in said ordinance will begin; that all corporations interested in the laying sewer, gas or water mains in said street, highway, lane or alley, and all owners of any lot or lots abutting or binding thereon, desiring to lay sewer, gas or water service pipes therein, connecting the same to said mains for their respective lot or lots, shall do so within the said period of thirty days as aforesaid, and that after said street, highway, lane or alley has been completed no such corporation, person or persons shall dig up or disturb the bed of such street, highway, lane or alley for a period of five years from its completion, except in case of a break in such mains or service pipe, or other unavoidable emergency, and with the consent of the Mayor and Council; and for any breach or violation of the provisions herein set forth, the offender shall be subject to a fine or imprisonment, or both, as shall be provided by said ordinance.

1916, ch. 55, sec. 4.

**445.** The said Mayor and Council are hereby vested with power and authority to also provide in said general or special ordinance requiring every railroad company occupying any of the streets and highways of the City of Hagerstown with its tracks, whenever the Mayor and Council shall proceed to exercise the powers vested in them by Sections 442 and 443 of this Article, to grade, make and pave, and to regrade, remake and repave, the space between its rails and two feet on the outside thereof.